

Message Text

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13

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00
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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 4076

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E.O. 11652: N/A

TAGS: EWWT, JA

SUBJECT: SHIPPING DISCRIMINATION: COMPULSORY PILOTAGE SCHEME
FOR TOKYO BAY

REF: TOKYO 17654

1. SUMMARY: MOT HAS REFUSED TO CHANGE DISCRIMINATORY
PILOTAGE REGULATION OR OFFER ANY ASSURANCE THAT INFORMAL EXCEPTION
WILL BE GRANTED NON-JAPANESE VESSELS. EMBASSY PROPOSES
WE PROTEST. END SUMMARY.

2. DURING TELEPHONE CONVERSATION ON DECEMBER 2, MOT
OFFICIAL STATED HIS MINISTRY WOULD NOT SEEK TO CHANGE
DISCRIMINATORY PILOTAGE REQUIREMENT UNLESS SOME SORT
OF FORMAL COMPLAINT WERE RECEIVED. HE ALSO DECLINED
TO OFFER ANY ASSURANCE, NO MATTER HOW INFORMAL, THAT
ANY EXCEPTIONS COULD OR WOULD BE GRANTED FOR NON-
JAPANESE VESSELS SINCE ARTICLE 13 OF PILOTAGE LAW
CLEARLY "DOES NOT ALLOW FOR ANY ADDITIONAL EXCEPTIONS".
MOFA HAS, UP UNTIL NOW, REFUSED TO BECOME INVOLVED
SAYING THAT "SHIPPING POLICY MATTERS ARE, FOR THE MOST
PART, DECIDED WITHIN THE MOT".

3. EMBOFF HAS CONTACTED SEALAND'S JAPAN OPERATIONS
MANAGER (JOM) WHO CONFIRMED THAT PROPOSED REGULATION
WILL HAVE AN ADVERSE FINANCIAL AND SAFETY IMPACT ON
LOCAL OPERATIONS. HE STATED THAT SEALAND MASTERS ON THE
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WEST COAST/YOKOHAMA/HONG KONG RUN AVERAGE 24 TRIPS

A YEAR IN AND OUT OF THE URAGA STRAITS AND THUS CLEARLY MEET THE FOUR TRIP ANNUAL REQUIREMENT CITED REFTEL.

4. IN ORDER TO FORMALIZE THE PROBLEM AND BETTER OUR CHANCES OF ACHIEVING A SATISFACTORY OUTCOME THE EMBASSY PROPOSES TO SEND THE FOLLOWING NOTE TO THE MOFA, POINTING OUT THE DISCRIMINATORY NATURE OF THE REGULATION AND ITS INCONSISTENCY WITH ARTICLE XIX (3) AND ARTICLE XXII (1) OF THE US/JAPAN FRIENDSHIP, COMMERCE AND NAVIGATION TREATY (TIAS 2863).

QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA HAS NOTED THE INTENTION OF THE GOVERNMENT OF JAPAN TO INTRODUCE A COMPULSORY PILOTAGE REQUIREMENT FOR TOKYO BAY EFFECTIVE JANUARY 1, 1977.

ON DECEMBER 26, 1975, THE JAPANESE CABINET, IN ACCORDANCE WITH LAW NO 56 OF JULY 8, 1975, DESIGNATED (ORDER NO 380) THE WHOLE OF TOKYO BAY, INCLUDING THE STRAITS OF URAGA, AS A COMPULSORY PILOTAGE DISTRICT FOR ANY SHIP OVER 10,000 GROSS TONS, EFFECTIVE JANUARY 1, 1977. AS A RESULT OF THE DESIGNATION, ARTICLE 13 OF THE PILOTAGE LAW (LAW NO 121 OF MAY 30, 1949) BECAME APPLICABLE TO THE TOKYO BAY AREA. WE UNDERSTAND THAT, UNDER THAT ARTICLE, THE MASTER OF ANY VESSEL OPERATING IN A DESIGNATED COMPULSORY PILOTAGE AREA SHALL BE COMPELLED TO TAKE A PILOT ON BOARD. ARTICLE 13, HOWEVER, MAKES AN EXCEPTION FOR MASTERS WHO HAVE MADE A CERTAIN NUMBER OF PASSAGES THROUGH THE AREA PROVIDED THE VESSEL CONCERNED IS JAPANESE-FLAG OR LEASED TO A JAPANESE CITIZEN.

THE EMBASSY CONTENTS, THEREFORE, THAT THE NEW REGULATION IS DISCRIMINATORY IN THAT ANY EXEMPTION TO IT IS BASED ON NATIONALITY RATHER THAN ON EXPERIENCE AND FAMILIARITY WITH TOKYO BAY AND THE URAGA STRAITS. IT HAS ALSO BEEN BROUGHT TO OUR ATTENTION THAT AWAITING THE SERVICES OF A PILOT IN THE TURBULENT, CONGESTED, URAGA STRAITS CAN BE PHYSICALLY DANGEROUS AS WELL. LIMITED OFFICIAL USE

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WE NOTE THAT THE PROPOSED REGULATION IS INCONSISTENT WITH ARTICLES XIX (3) AND XXII (1) OF THE TREATY OF FRIENDSHIP COMMERCE AND NAVIGATION (TIAS 2863) BETWEEN THE U.S. AND JAPAN IN THAT JAPANESE OWNED OR CONTRACT VESSELS MAY BE EXEMPT BY REASON OF THEIR NATIONALITY.

THE USG PROPOSES, THEREFORE, THAT THE COMPULSORY
PILOTAGE REGULATIONS BE AMENDED TO GRANT EXEMPTION
ON THE BASIS OF EXPERIENCE, RATHER THAN A VESSEL'S
OR PILOT'S NATIONALITY. PENDING THIS CHANGE WE
REQUEST, PROVIDED THE MASTERS INVOLVED HAVE THE
REQUIRED PILOTING EXPERIENCE, TREATMENT IN ACCORDANCE
WITH THE ARTICLES OF THE TREATY. END TEXT.

5. EMBASSY REQUESTS DEPARTMENT'S CONCURRENCE.
HODGSON

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Margaret P. Grafeld
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